

EXHIBIT 3

Printed at: 6/6/2008 14:30

OCA: 071025-026

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Incident / Investigation Report

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Officer's Narrative (continued)

On 10-25-2007, at approximately 1215 hours, SWAT had the scene cleared and allowed us in to conduct the physical search for evidence. SWAT Sergeant Steve Gossett showed me a black "Ricardo" brand bag that had been discovered during the search for persons in the house. The black bag, marked as Evidence Item# CV1, contained two handguns. One of the handguns in the bag was a blued, 9mm Makarov, semi-automatic pistol and the other was a stainless, .38 caliber Smith and Wesson revolver. Sergeant Steve Gossett showed me a shelving unit located at the back wall of the garage. He advised me that while they were checking the attic crawl space from that shelving unit, the bag fell off of the shelf, exposing the guns to plain sight. It was secured by a SWAT operator until it was delivered to me for collection.

I searched the bedroom located at the south east corner of the residence. Inside of the south east bedroom, I located numerous items of Indicia, consisting of US Mail and other documents in the name of "Noe Arias", collected as Evidence Item CV# 2. I also located numerous gang photographs and 2 Sonoma County Jail Identification cards in the name of "Noe Arias". I located the following items of evidence inside of this bedroom:

CV3 - three operational digital scales, Pocket-pro, Cen-Tech and AWS. All three were located hidden under the drawers in the dresser.

Located in a camouflage suitcase, concealed in the bedroom closet were the following items:

CV4- a daily medication dispensing container filled with numerous prescription pills, matching some of the ones listed below.

CV5 - 6 prescription pill bottles in the name of "Kathy Wanko". The bottles were marked as follows:

CV5 (a) - a liquid prescription bottle, containing approximately 110 ml of a clear liquid, marked on the bottle describing it as Oral Morphine, issued by Dollar Drug on 04-30-2007. This is considered a narcotic drug pursuant to 11350 H&S.

CV5 (b) - 30 white oblong pills with the factory markings "G / 31", which matched the pharmacy description on the bottle, listed as "Gabapentin 600 mg tablets", issued by Dollar Drug on 05-17-2007.

CV5 (c) - 84 small white round pills with the factory markings "54 142". This was contained in a bottle labeled Hydrocodone / APAP 10/ 325, issued by Dollar Drug on 04-26-2007. The description and picture on the bottle label did not match these pills. I researched the markings in the 2006 Drug Identification Bible. I researched the markings "54 142" which identified the pills as a controlled Narcotic Analgesic known as "Dolophine" a narcotic drug pursuant to 11350 H&S. There were also a blue capsule and a round pink tablet with no apparent markings and are unidentified.

CV5 (d) - 28 small round peach colored pill with the markings "DAN / DAN" and "5443" on the other side. The pills matched the description and picture listed on the pill bottle label issued by Dollar Drug on 03-28-2007. The label identified the pills as "Prednisone 20 mg". I researched the Drug ID bible which confirms these prescription pills as described on the pills and prescription label.

CV5 (e) - 45 small round light green pills, with the markings "54 892". The pills matched the description and picture listed on the pill bottle label issued by Dollar Drug on 05-17-2007. The label identified these pills as "Dexamethasone 4 mg". I researched the Drug ID Bible which confirms these prescription pills as described on the pills and the prescription label.

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Officer's Narrative (continued)

CV5 (f) - contained 6 small brown pills with the markings "K 105", 1 white oblong pill with the markings "US 20", 1 blue capsule and 1 round pink tablet (similar to those found in CV5 (c)). The "US 20" pill is identified in the Drug Id Bible as Potassium Chloride 20 mEq. The brown pills are identified as Sennosides 8.6 mg.

Located on the floor near the wall in the same closet was a single .38 caliber live ammunition round Evidence Item # CV7. This round was sitting under a pile of dirty men's clothing.

I also located an operational Motorola cellular phone, sitting on the dresser that had been ringing during the service of the search warrant, Evidence Item # CV6.

I maintained all items in a locked Property Crimes Evidence Locker until I packaged it for processing with DOJ. The items were all labeled and later booked into the Sheriff's Department main Evidence Locker.

Photographs were taken before and after the searching the residence at 145 5th Street West. The photos were later downloaded and booked into evidence.

Arias was arrested, transported and booked into the County Jail. He was originally booked under Sheriff's Department Crime Report # 071022-036, which is cross referenced to this report.

I am sending this report to the District Attorney's Office for filing on Noe Arias for the following charges:

12021(a)(1) PC Felon in Possession of Firearms- Arias is a convicted felon (496 PC / SCR-479120) and has been identified as the person who provided the shotgun to the suspects in SCSO CR# 071022-036 / 187 PC, as well as having two handgun at his residence. Possession of ammunition was found in his bedroom.

12316 (b)(1) PC - Felon in Possession of Ammunition - Arias was convicted of 496 Pc as a Felony in Sonoma County Case # SCR-479120.

11350 H&S - Possession of Narcotics - Morphine and Dolophine.

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Officer's Supplement

Officer 110381

Date / Time Reported TH Oct 25, 2007 20:07

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VCI / DA

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Additional Officer Supplements**THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY**

Officer (SD808) SWEENEY, VIRGINIA

Supplement Type: ROUTE TO

Date/Time 10/28/2007 13:41

DA, WITH N/L, 10-29-07, GMS, 808

Revised packet to DA w/nl, 10/29/07, 1881-MCM

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Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (SD828) SHUBEL, CLINT

Supplement Type: FOLLOW UP

Date/Time 10/28/2007 17:04

SUPPLEMENT REPORT

CR# 071025-026

Related CR# 071022-036

Sgt. Clint Shubel #828

NARRATIVE:

On 10/24/07 at about 1830 hours, VCI Detective Gary Freitas phoned me and requested the SWAT team's assistance in serving a warrant at 145 5th Street West in Sonoma. Detective Freitas briefed me on the circumstances of the warrant, which was related to a recent gang related murder (refer to CR # 071022-036).

After the SWAT team assembled, VCI Sergeant Tim Duke briefed the team on the warrant information, murder investigation, suspect information, and location description. SWAT team members Duke, Freitas and Helton verified the location in person. The warrant was endorsed for night service and included all outbuildings on the property.

At about 1110 hours, the SWAT team arrived at 145 5th Street West and executed the warrant service. As team members approached the front gate of the residence, SWAT Deputy Hanshaw repeatedly yelled, "Sheriff's Department. Search warrant. Open the door."

At the same time, Sergeant Steve Gossett and I cleared vehicles in the driveway as we made our way towards a large (approximate 6' X 12') wood outbuilding that was located on the north side of the garage. The outbuilding had a door, which faced towards the driveway. There was a fence (approximate 6' tall) in front of the outbuilding, but I could clearly see the top portion of the door leading into the outbuilding.

Sergeant Gossett and I saw the door open because an interior light was on inside the outbuilding. As the door opened, Sergeant Gossett repeatedly yelled, "Sheriff's Department. Search warrant. Come outside!" The door immediately closed. Sergeant Gossett continued to yell at the person to open the door and come outside, but there was no response.

Meanwhile, a male and female from the main residence opened the front door and promptly followed SWAT member's commands. These persons were both detained and turned over to VCI detectives. VCI detectives identified them as Noe Arias and Ana Zuniga (Noe's mother).

In an effort to easily see the front door to the outbuilding, I pulled the fence that was in front of the outbuilding backwards until it collapsed to the ground. SWAT members then contained the outbuilding until a search of the main residence could be performed.

At about 1121 hours, SWAT members searched the main residence and did not locate any other persons inside.

After clearing the main residence, we returned to the outbuilding to handle the barricaded person. VCI detectives talked to Arias who said he believed the person inside the outbuilding was "Angel." He did not know why "Angel" would not open the door and come outside.

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Officer (SD828) SHUBEL, CLINT

SWAT Deputy Ruben Martinez talked to Zunga and asked her to phone "Angel" to have him surrender peacefully. She made several phone calls to "Angel's" cellphone, but there was no answer.

Deputy Martinez then repeatedly yelled into the outbuilding for the person inside to surrender. He made these announcements in both English and Spanish. When asked, Deputy Martinez told me that he told the person we were the Police and that we had a Search warrant. He asked him several times to come outside, but there was still no response.

Based on the barricaded circumstances, I decided to throw something at the front door to gain the attention of the person(s) inside. Obviously, we didn't want to approach due to the information that weapons were present at the location.

A SWAT deputy located several 16oz soup cans outside. I then had SWAT Deputy Roddy McMasters throw a can at the front door to see if there was any response. Deputy McMasters threw the can and it struck a small window in the door, but it did not penetrate. There was no response. Deputy McMasters threw another can at the door and it penetrated a small window of the door. The interior light in the outbuilding turned on and the door opened.

The male exited and followed the directions of Deputy Martinez. The male, later identified as (OF# 1) Abraham Chavez Sosa, was handcuffed and turned over to VCI detectives. Immediately afterwards, another male appeared from within the outbuilding. The male, later identified as (OF# 2) Moises Torres Mercado, exited and followed Deputy Martinez's commands. He too was handcuffed and turned over to VCI detectives.

We cleared the interior of the outbuilding and no other persons were located. The SWAT team documented all damages to the house and released the scene, and all persons, to VCI detectives. After VCI detectives interviewed them, Sosa and Mercado were released from the scene.

From the time we first arrived on scene (approx. 1110 hours) until Sosa and Mercado surrendered (approx. 1210 hours) took approximately 1 hour. During that time, we made numerous announcements identifying ourselves and our purpose. Any persons inside the outbuilding should have known that we present. Arias and Zunga heard our commands from the main residence and came outside swiftly, indicating that they could easily hear us.

Abraham Sosa and Moises Mercado willfully resisted, delayed, and obstructed us in the performance of our lawful duties. They failed to follow our directions and allow us entry as demanded per the search warrant.

DISPOSITION:

I recommend that the Sonoma County District Attorneys Office file criminal charges against Abraham Sosa and Moises Mercado for violation of Penal Code Section 148 (a)(1) - Resisting, Delaying, and Obstructing a Peace Officer during the performance of their duties.

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Officer (SD1731) DREON, BEN E

Supplement Type: SCANNED NON ILEADS

Date / Time 10/31/2007 15:18

Bk Sht, Ev Sht, Writ Inv List #1731 BD on 10/31/07
Cleta #1731 BD on 11/02/07
Comp Rev #1731 BD on 11/14/07

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Additional Offense List

Offense #	Offense Description	UCR Code	Local Statute	Attempted/ Completed
# 4	FELON/ADDICT/ETC POSSESS FIREARM Criminal Activity: Not Specified	520	12021 (A)(1) PC	COM
# 5	SEARCH WARRANT	99Z	SEARCH	COM